UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1412
12 August 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1412th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 August 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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GE.00-43848 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued) (CERD/C/372/Add.1 and HRI/CORE/1/Add.71)

Third and fourth periodic reports of the Czech Republic

1. At the invitation of the Chairman, the members of the delegation of the Czech Republic resumed their places at the Committee table.

2. Mr. JAŘAB (Czech Republic), responding to questions of a more general nature raised by Committee members, recalled that the three main existing human rights bodies, the Council for National Minorities, the Inter-ministerial Commission for the Affairs of the Roma Community and the Human Rights Council, had been created to advise the Government. The membership of each body was divided equally between deputy ministers and representatives of civil society including, for example, in the case of the Council for National Minorities, the various national minorities and, in the case of the Inter-ministerial Commission, members of the Roma community. Their powers were relatively limited, although they did make recommendations on amendments to existing legislation and ensure that a human rights perspective was incorporated into new legislation; most importantly, however, they had provided the first real forum for dialogue between State- and non-State agencies. A new institution being created, the Office of the Ombudsman, had broader powers enshrined in the law, including the right to hear individual complaints and exercise control over administrative bodies. Further details would be provided on request. He stressed that non-governmental organizations (NGOs) had been consulted in preparing the periodic report, although the report obviously represented the Government's point of view, as Mr. Nobel had pointed out. Nevertheless, a framework for dialogue with the NGOs had been created and they were active within the Human Rights Council.

3. Turning to the question of the Roma, he said that before the Second World War there had been a small population of about 5,000 Roma, of Czech and Moravian origin, living in what was now the Czech Republic. Most of them had been exterminated in concentration camps in Germany and in Czechoslovakia. There had been some public debate recently about the role of Czech guards and, while they had certainly been guilty of ill-treatment of Roma prisoners, he rejected the view that the Czech Government had participated willingly in their extermination, stressing that there had been no pro-Nazi collaborationist Government in the former Czechoslovakia, which had been governed by the Nazis as an occupied territory. Following the war, many Slovak Roma had migrated to the Czech part of the country, in part spontaneously, in part encouraged by the Government. They had come mostly from impoverished regions in the east of Slovakia, and they constituted the greater part of the current Roma population. Their social situation had improved somewhat under the communist regime, but there had also been tremendous pressure on them to become assimilated and abandon their traditional values and culture. Current government policy was not to force the Roma to assimilate but rather to encourage their development as an emancipated minority maintaining its

own traditions and cultures. As had been noted by the Committee, that pro-Roma policy was not necessarily a popular one but the Government intended to persevere with a view to meeting its long-term objectives and complying with its commitments under international human rights treaties.

4. Questions had been raised about why so few Roma had identified themselves as such in the 1991 census. He could only speculate that the others truly did not identify themselves with the Roma community, were afraid to be identified as Roma or simply had not done so because no such category had existed in previous censuses. Given efforts to improve the situation of the Roma in recent years, the next census would, he hoped, provide more accurate figures. In response to questions about why the Roma tended to emigrate in large numbers and request asylum in other States, he cited fear of racist attacks but also socio-economic reasons related to the Roma's relatively marginalized position in Czech society. It was difficult to know which was the more important factor but he stressed that it was in no way the policy of the Czech Government to encourage such emigration, which it viewed with concern.

5. Awareness-raising campaigns on human rights issues had been undertaken and recently, for the first time, a nationwide campaign called the "Tolerance Project" had been held, from December 1999 to June 2000. Numerous activities had been organized to promote contacts between minority groups and the general population, especially in problem areas, through the schools, press conferences and the involvement of civil leaders. Training seminars had also been organized for teachers to increase their awareness of Roma issues. The press conferences had been used to highlight the activities of various NGOs working in the area of minority rights and peaceful coexistence as part of their contribution to the anti-racism campaign; they had also been useful in explaining controversial legislation to the public. Public opinion polls had in fact revealed that, while most people seemed opposed to racism, they were unaware of their own prejudices and stereotypes concerning immigrant workers and the Roma. He agreed with suggestions that more must be done to find the root causes of prejudice within Czech society. Although it was too soon to judge the effectiveness of the awareness campaigns, those efforts would continue and should in time achieve the desired result.

6. Mr. MACHOŇ (Czech Republic), replying to questions about the intention of the local authorities in the town of Ústí nad Labem to build a wall, or fence, to isolate the Roma quarter from the rest of the population, said that, despite the opposition of the Government and its efforts to reverse the local council decision, the Constitutional Court had recently confirmed that the decision to build a wall was perfectly within the purview of the local authorities and, as a result of the repeal of the Act on Municipalities (1990) in April 2000, Parliament no longer had the authority to overturn their decision. With regard to the refusal to grant a building permit for a minaret on a mosque in the town of Brno, he did not know whether the refusal was based on discrimination or on some architectural criteria. The Act on Construction provided for a full range of appeal procedures before the courts and there was therefore no need for the Government to intervene.

7. The Ministry of the Interior had proposed that the Czech Republic should sign the European Charter for Regional or Minority Languages, and the various ministries concerned

were currently studying to what extent they already complied with its provisions and what the effects of ratification would be, although it was not yet possible to say exactly when the Czech Republic would formally sign the Charter.

8. Ms. JANOVSKÁ (Czech Republic), replying to questions on the role of the police, said that there were six secondary police training schools and new texts and programmes had been developed to familiarize future police officers with ethnic and cultural issues and the fight against racism, xenophobia and discrimination. Police officers who had not attended those schools were required to attend 12-month training courses during which they received instruction in human rights issues. The Ministry of the Interior and the police authorities had also issued internal orders on how to deal with cases of racism, xenophobia and discrimination. An educational programme sponsored by the European PHARE programme had provided the police with training in communications, structures and human resources management and seminars had also been organized on how to deal with cases of extremism, policing in a multiracial community and the prevention of crime. With the support of the Embassy of the United Kingdom, an international symposium for senior officials on the role of the police in combating racism and xenophobia had also been organized. Courses in the Roma language, attended by many local policemen, had been offered in the city of Brno, with a view to improving communication with the Roma community.

9. Members of minority communities who did not have a secondary school certificate had the opportunity to follow a five-month course for minority police candidates, followed by a two-year course on policing, following which they received a secondary school certificate. There was also a special programme, organized in cooperation with the Ministry of Labour and the Embassy of the United Kingdom, for Roma citizens. That programme allowed them to improve their general education level and receive police pre-training before they applied to become police officers. Of the most recent class of 24, 14 had sat the final examination and 4 had been accepted as police candidates.

10. Responding to questions about the laws governing citizenship in the successor State as set out in the report (paras. 99-102), she said that, under Amendment No. 194/1999 to the Act on the Acquisition and Loss of Citizenship, the possibility of dual citizenship was extended only to all former citizens of the Federation, who could now acquire Czech citizenship by making a simple declaration, for which there was no deadline, without losing their Slovak citizenship. She informed the Committee that the Czech Republic would shortly be ratifying the European Convention on Nationality and that the Government was drafting a proposal to sign and ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

11. In order to combat illegal migration, the Government had issued several resolutions having to do with border control and modernization of border control approaches. It had developed its visa policy, signing agreements with, for example, the Russian Federation, Ukraine and Belarus. It had adopted two new Acts on Residence and on Asylum, the first of which would shortly be amended. The number of police officers had been increased, especially on the Czech and Slovak borders, and border patrols had been increased in northern Moravia. A new Department of Alien and Border Police Services had just been created within the Department of

the Interior, which should increase the effectiveness of those services. Since 1996, the Government had undertaken annual border-management projects and had updated border equipment and technology, while also providing training for alien and border police.

12. In 1999, refugees had come mainly from Afghanistan (32 per cent), Sri Lanka (13 per cent), India (12 per cent), the former Yugoslavia and Iraq, 76 per cent of all refugees had come from Asia, 19 per cent from Europe and 12 per cent from Africa. The Ministry of the Interior's Web site updated the statistics monthly. The new Acts on Residence and Asylum had made it a right, not a requirement, for refugees to remain in refugee camps. Unfortunately, many were leaving in order to migrate illegally to Germany from the camps, and her Government was working with the German border police to stop the flow.

13. In order to stem racist activities by far-right groups or individuals, the Government had prepared a report on extremism and in July 2000 had adopted Resolution No. 684, which had been forwarded to the Parliament and was available on the Ministry of Interior's Web site in English. The far-right scene had been very active in 1999, usually outside Prague. The most dangerous groups were the National Front and the National Alliance. They had been ordered by the Government to change their organization and their principles: the former had done so in order to avoid being disbanded, but the latter had done so only on paper and, after its leader had continued to commit racist crimes, it had been abolished by the Ministry of Interior in March 2000.

14. Mr. CÍNK (Czech Republic), turning to educational questions, said that special primary schools had been set up, on the Western European model, to meet the needs of children with specific educational needs or from cultural backgrounds that required special treatment. It was considered a more effective option than trying to adapt the regular schools to their needs, and was twice as expensive: all teachers were required to have university degrees, class size was held down to a maximum of 12 pupils as opposed to 25 to 30, and the pace of teaching was slower. Less than 3 per cent of Czech pupils attended special schools, although the majority of Roma children did. The special schools were not to be confused with the auxiliary schools that had been established for those with severe mental disabilities who could not be educated in regular or special schools. The amendment to the School Act referred to in the report (para. 138) had now been in effect since January 2000, allowing graduates of special schools to apply for admission to all secondary schools and not simply to two-year vocational schools as before. No pupil could be transferred to a special school without the written consent of the parents, who had to be informed about the relative advantages and disadvantages of the transfer. In 1999, the Ministry of Education had begun to encourage parents of pupils in special schools to apply for their admission to the regular schools and had issued guidelines for such transfers; over two thirds of the parents of pupils who had qualified, however, had insisted on keeping their children in the special schools. Furthermore, a complaint by a group of Roma parents to the Constitutional Court, claiming that procedures for transferring to and from special schools violated the Charter of Fundamental Rights and Freedoms and relevant international norms, had recently been dismissed by the Court as both unfounded and outside its jurisdiction. Nevertheless, the Ministry had reviewed and standardized all tests used currently for such transfers, and the use of the tests should help improve the status of Roma and other children coming from a different cultural and social environment.

15. The second option, strengthening the multicultural dimension of all regular primary schools, had been discussed in the report (para. 137), but there had been some further developments. The number of preparatory classes for Roma children prior to entering regular or special primary schools had increased by 6 per cent in the previous two years; in 1999 alone, 30 million Czech crowns had been allocated for the assignment of Roma assistants in the schools to help with the social integration and language training of Roma pupils and for the introduction and training of Roma advisers; a more individualized approach had been adopted, allowing the use of Roma language in communication with pupils and providing art courses to talented Roma children; no geography, history or civics textbook could be introduced without the approval of representatives of the Roma, Jewish and German minorities; and the primary school curriculum had been revised to include teaching about Roma culture, history and language in the schools, about other minorities and about tolerance and multiculturalism. The Government monitored the application of the new guidelines, and it had also begun work on a major project costing 100 million crowns that would further enrich the curriculum and train teachers in the new syllabus in order to improve the quality of education of the Roma population and extend the multicultural content of education for all Czech children, thus doing away with prejudice against minorities.

16. Mr. SOVÁK (Czech Republic) said that the Government had in the past two years increased its legal protection of minorities, victims and persons at risk generally, but it was not yet satisfied with the enforcement of the legislation or with the pace of change in the public mindset.

17. It had recently introduced seminars to educate judges and candidates for the judiciary about the provisions of the Convention and their powers under it, training them also in trial procedures and criminal process.

18. The Government's penal policy had led to more consistent and more severe sentences for crimes with racial overtones. The Penal Code and the Code of Penal Procedure were being revised by a commission established by the Ministry of Justice; the work was proceeding rapidly and would soon produce legislation. One of the commission's aims was to increase the punishment for racist crimes and to newly categorize certain acts as crimes. Higher court judges regularly monitored the practice and decisions of younger ones and there had been found to be no great difference between the sentencing of minority offenders and of offenders from the rest of the population, or between victims; education on the matter, however, remained an important goal for the future.

19. The legislative measures taken against proclamation of racial hatred and violence against racial and ethnic groups had been set out in the report (paras. 56 et seq.). Article 198 (a) of the Penal Code in particular provided protection against most racial attacks, even under the old system. The denial of genocide and denial of the Holocaust had not yet, however, been made a crime under the law. He cited specific cases in which an owner of a restaurant had been sentenced for banning Roma, and in which a famous Roma activist had won a civil case for having been publicly attacked on racist grounds. Minor offences were covered by administrative law and the ordinary civil courts and no case remained without redress. As to the economic and social rights protected by the Charter on Fundamental Rights and Freedoms, he knew of no specific cases with a racial dimension.

20. Article 260 of the Penal Code protected victims against attacks by the press; a person who had published Hitler's Mein Kampf was currently on trial. Article 263 (a) of the Penal Code punished military offences against the population, including racial crimes. A racial crime was a public crime where three or more offenders were involved. The notorious case of a young Roma murdered by a band of skinheads (report, para. 75) was a case in point: the final High Court decision had meted out unusually heavy punishment to the three juvenile offenders involved, who had been sentenced to six to eight years in prison.

21. The poor received free legal counsel in criminal and civil cases and in all appeals procedures. A new law had been adopted in 1999 regarding segregation of detainees according to nationality, race and age and had been in effect since January 2000.

22. Mr. RECHETOV welcomed the most enriching dialogue with the State party and complimented the delegation on the quality of the answers to the questions raised, which confirmed the impression given by the report that very positive developments had taken place in the Czech Republic. The problems of the Roma minority as set out in paragraph 45 of the report were of course common to other Eastern European countries as well. He appreciated the delegation's reference to the "Roma holocaust": the extension - quite properly - of a term normally reserved for one specific group was very much in the spirit of the Convention. The Czech Republic had also set a very good example in a number of the measures it had adopted, such as those governing dual citizenship. It had also been interesting to hear the additional clarification provided regarding the wall built in Ústí Nad Labem. In that connection, it was true that municipalities and courts were both independent institutions within domestic law but, from the point of view of international law, they must bear responsibility in the case of non-compliance with international obligations.

23. Mr. BOSSUYT (Country Rapporteur) commended the comprehensive and frank report. However, the actual implementation of the Convention still gave rise to a number of subjects of concern, including the situation of the Roma population, unemployment, a lack of security, segregation and the disproportionate number of Roma involved in legal cases. In similar vein, reference had been made to racial attacks by extreme right-wing groups and the insufficient efforts made to combat illegal immigration, which led to human trafficking and various forms of exploitation.

24. By contrast, clarification had been provided on the issues of integration and assimilation, and progress had been achieved with the establishment of new institutions and introduction of legislation. The Czech Republic had made clear its intention to make the declaration under article 14 of the Convention at the earliest possible opportunity. The establishment of an Inter-ministerial Commission for the Affairs of the Roma Community and a national Human Rights Council was a welcome development, as were the amendments to the Act on Citizenship, whereby citizens were no longer obliged to relinquish Slovak nationality when acquiring citizenship of the Czech Republic.

25. Other positive steps included the provision for access to secondary education by pupils coming from special primary schools, education and training programmes, the forthcoming

establishment of the office of Ombudsman and measures to combat the violent attacks taking place. The Czech Republic was to be encouraged in the efforts it had made, which should be strengthened in the future.

26. Mr. SOMOL (Czech Republic) said that his delegation had appreciated the opportunity to discuss the sensitive issues which were debated publicly and within the State administration in his country. The dialogue with the Committee had indeed been mutually enriching. He assured the Committee that its comments and conclusions would serve as a basis for future ministerial discussions and also in formulating new legislation. His Government was aware that much ground remained to be covered in terms of better legislation and, especially, creating support among the population for the measures taken, for example as part of the ongoing preparations for the World Conference. It was important not only to strengthen national legislation but also to encourage a shift in people's mentalities. The heritage of the communist era gave rise to major problems insofar as relations among people and towards property had been distorted, and they would take at least a generation to resolve. The Czech Republic looked forward to the Committee's concluding observations and hoped to be able to report on positive developments when presenting subsequent reports.

27. The CHAIRMAN expressed thanks for the written report and the detailed responses provided. The report had been both informative and frank, and had given rise to a fruitful exchange of views.

28. The delegation of the Czech Republic withdrew.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 9) (continued) (CERD/C/57/Misc.17)

29. The CHAIRMAN recalled the Committee's decision to establish three working groups on a suggestion by the contact group. That group had also proposed that each working group should comprise four to five members. At its meeting that morning, however, the Bureau had proposed that the groups should be open-ended.

30. Referring to document CERD/C/57/Misc.17 on the rationale for three working groups, he said that the first working group would develop a list of priority issues related to each of the five themes on the World Conference agenda, with particular reference to theme 5. That theme would relate to strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up. The second working group would focus its efforts on the Committee's contribution to the draft declaration and programme of action of the Office of the High Commissioner for Human Rights. Finally, the aim of the third working group would be to enhance the document relating to best practices compiled by the Secretariat.

31. The Bureau had proposed that the three groups should be convened by Mr. Rechetov, Mr. Fall and Mr. Valencia Rodriguez respectively. Any members of the Committee wishing to

participate in the working groups were requested to inform the relevant convenor. The working groups should begin their activities forthwith and report subsequently to the Committee on their progress in preparing for the World Conference.

32. He said he took it that the Bureau's proposals were acceptable to the Committee.

33. It was so decided.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 3)

34. The CHAIRMAN recalled the Committee's decision to establish the subject under discussion as one of its regular and principal agenda items. The Committee could decide to take early warning measures aimed at preventing existing problems from escalating into conflicts, to initiate urgent action procedures aimed at responding to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention, or to take action or further action regarding States parties already considered under the item in question.

35. Mr. ABOUL-NASR asked whether any action had been taken on his earlier proposal to send a letter to the United States Government concerning Indian American issues.

36. The CHAIRMAN said that the letter in question had not yet been dispatched, since the matter was to be discussed at a subsequent meeting during the current session. Pending that meeting, however, he drew attention to a letter sent by the United States Department of the Interior to the tribes concerned.

37. Mr. SHAHI asked whether the situations prevailing in Sierra Leone, the Democratic Republic of the Congo and Burundi might not be considered under item 3. The Committee could also consider its previous pronouncements on those situations and decide whether to update the emergency measures it had proposed in the past. Similarly, consideration should be given to the most recent pronouncements of the United Nations Security Council on particular emergency situations.

38. Mr. de GOUTTES said that the prevention of racial discrimination, including early warning measures and urgent action procedures, was closely linked to preparations for the World Conference. It was surprising and regrettable that the provisional agenda for the World Conference did not include any express reference to such measures and procedures, especially given the Committee's leading role in that area. The subject could perhaps be linked to the third theme of the provisional agenda, although it did not appear that that theme had been identified for that purpose. In order to facilitate discussions, the Secretariat could perhaps redistribute the preliminary draft of a document on the ethnic dimension of contemporary conflicts which had been discussed but not adopted at the Committee's March 2000 session. Since that time, there had been new developments in different parts of the world - a case in point being the situation in Fiji - and they should also be taken into account in the Committee's discussions.

39. The CHAIRMAN said that the Committee had taken a very specific decision - decision 9 (53) - in which it had proposed issues for inclusion in the World Conference agenda, among them the prevention of racial discrimination, including early warning and urgent action procedures. Most of those issues had been included in the provisional agenda but the subject of early warning measures and urgent action procedures had not been incorporated, at least not explicitly. Given the importance of the issue, it could be elaborated upon and promoted by the working group established with Mr. Rechetov as convenor. Committee members including Mr. de Gouttes and he himself as a member of the Committee could join in the efforts made to promote consideration of those measures and procedures.

40. Mr. de GOUTTES, supported by Mr. SHAHI, added that the second working group, which had been established to assist in preparing the draft declaration and programme of action of the World Conference and would be approaching the United Nations High Commissioner for Human Rights on that subject, should perhaps suggest that the subject of early warning measures and urgent action procedures should figure in the draft declaration and programme of action.

41. Ms. McDOUGALL agreed that the topic should be raised by both working groups. The Preparatory Committee had no doubt considered that the early warning measures would fall under theme 3 on measures of prevention, education and protection aimed at the eradication of racism and under theme 5 on international mechanisms to combat racism, but that was not a very satisfactory position.

42. Mr. FALL likewise agreed that both working groups should address the subject. The working group on the general declaration must take into consideration the concerns of the other two.

43. Mr. NOBEL said that, despite numerous reminders issued by the Committee, there was a long and depressing list of States which had fallen very far behind in the submission of their periodic reports. Among them were some which had serious problems with racial discrimination and which apparently did not lack resources for the submission of their reports. The Committee should perhaps take the opportunity, while discussing the early warning measures, to examine the cases of such States.

44. Ms. McDOUGALL suggested that, for the benefit of the newer Committee members, it would be useful to review the criteria and indicators used to determine whether a specific case should give rise to early warning measures and urgent action procedures.

45. Ms. JANUARY-BARDILL, noting that most ethnic conflicts had structural roots, said that it would be difficult to avert mass violence by addressing only the immediate causes of such disturbances. A discussion of the criteria for invoking early warning measures and urgent action procedures would be useful.

46. Mr. SHAHI recalled that as early as 1993 the Committee had drawn up a list of criteria, which it had included in each annual report to the General Assembly; the criteria could be found, for example, in its report on its fifty-fourth and fifty-fifth sessions (A/54/18, paragraphs 18 (a) and (b)). In the light of recent developments, the Committee might consider modifying them.

47. Mr. RECHETOV said that, while he understood the concerns of some of the Committee members with regard to the criteria, he was not certain that such a discussion would lead to a tangible result. It might be similar to the discussion of the definition of national minorities, which had been going on for decades and had not made much progress.

48. He had been one of the three Committee members who in 1993 had taken part in a good offices mission to Kosovo, where they had held meetings with representatives of the Serbian administration and Albanian leaders. At that time, there had been very little bloodshed, although tensions had been running high. Within a year of the mission, some of the sensitive points dividing the two sides had actually been resolved, and yet the conflict had later exploded, leading to massive bloodshed. He was of the opinion that it was not within the Committee's power to prescribe specific ways of forestalling ethnic conflict, as important as that might be. In deciding when to invoke early warning measures and urgent action procedures, the Committee could only follow the formula which it had already drawn up and to which Mr. Shahi had referred.

49. The CHAIRMAN read out the criteria contained in the relevant paragraphs of the annual report to the General Assembly.

50. Ms. JANUARY-BARDILL said that, from her understanding of the current criteria, early warning measures would in fact be justified for most European countries, Germany being a case in point.

51. Mr. FALL said that the early warning measures and urgent action procedures were what was commonly called "preventive diplomacy", and that they were to be used in situations of potential crisis. They could, for example, be invoked when there was a threat to peace and security or a serious risk of violation of the Convention's provisions, so as to eradicate the causes of such threats.

52. Mr. de GOUTTES said that the criteria were quite broad, and that they could indeed apply to many, if not most, countries. However, the Committee should resort to early warning measures and urgent action procedures only in the most serious cases which might involve massive violations of human rights.

53. The CHAIRMAN recalled that the Committee must decide which subjects to include in its consideration of agenda item 3 and whether it should hold a general debate on the item or issue a statement. At its March 2000 session a working group of the Committee had worked on a draft statement on the ethnic dimension to some contemporary conflicts (CERD/C/56/Misc.23/Rev.1), but the Committee had failed to adopt it owing to a lack of time and diverging views among its members. Should the Committee take up that document once again and attempt to bring it up to date, or should it establish a new working group to draw up a different statement?

54. Mr. FALL said that the draft statement had first been put forward by Mr. Banton, and had subsequently been divided into two documents before being withdrawn altogether owing to diverging views in the working group. It had already been discussed at length and should not be taken up again. During the current session, the Committee should determine whether there were new crisis situations which required consideration.

55. Mr. de GOUTTES said that a distinction should be drawn between urgent action procedures and the follow-up to such procedures. At previous sessions, the Committee had examined the modification of legislation in Australia. While he did not consider that the question should be taken up under the current agenda item as a matter of urgency, he would like to know whether there had been any follow-up. In particular, had the Secretariat received a reply or other information from the Australian Government?

56. Ms. McDOUGALL said that, although no official reply had as yet been received from the Australian Government, she had at her disposal the report of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund that had met in March 2000, as well as other elements of interest to the case. She would submit an update on the situation to the Committee in the near future.

57. Ms. RUEDA-CASTAÑON (Secretary of the Committee) informed the Committee that the Secretariat had received a copy of the report from the Parliamentary Joint Committee, and had also received information from the Aboriginal and Torres Strait Islander Commission. According to the Australian Permanent Mission, the Government was preparing a reply to the Committee's request for information.

The meeting rose at 1.05 p.m.